

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE FILING BY BLACK</b>	)	<b>SECOND ORDER FOR AND</b>
<b>HILLS FIBERCOM, LLC FOR APPROVAL OF</b>	)	<b>NOTICE OF HEARING</b>
<b>ITS INTRASTATE SWITCHED ACCESS TARIFF</b>	)	
<b>AND FOR AN EXEMPTION FROM</b>	)	<b>TC00-190</b>
<b>DEVELOPING COMPANY SPECIFIC COST-</b>	)	
<b>BASED SWITCHED ACCESS RATES</b>	)	

On November 22, 2000, the Public Utilities Commission (Commission) received a filing from Black Hills FiberCom, LLC for approval of its intrastate switched access tariff and for an exemption from developing company specific cost-based switched access rates. The tariff filing is a concurrence in the rates, terms and conditions of the current LECA Tariff No. 1, with the exception of the switched access rates which are based on a statewide average. The company is also requesting that the Commission exempt it from the requirement to develop intrastate switched access rates based on company specific costs. The company is requesting an effective date of November 22, 2000.

On November 23, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of December 8, 2000, to interested individuals and entities. Qwest Corporation (Qwest) filed a Petition for Leave to Intervene on December 6, 2000. At its regularly scheduled meeting of December 12, 2000, the Commission granted intervention to Qwest. On January 16, 2001, the Commission received a Motion for Continuance and Affidavit of Counsel from Black Hills FiberCom.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 49-31, specifically 49-31-18 and 49-31-19 and ARSD Chapters 20:10:27 through 20:10:29, inclusive.

A hearing shall be held on October 4, 2001, beginning at 8:30 A.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. All persons testifying will be subject to cross-examination by the parties.

The issue at the hearing is whether the Commission will approve Black Hills FiberCom's intrastate switched access tariff and grant it an exemption from developing company specific cost-based switched access rates.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided, if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a

Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether to approve Black Hills FiberCom's intrastate switched access tariff and grant it an exemption from developing company specific cost-based switched access rates. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a hearing shall be held at the time and place specified above on the issue of whether to approve Black Hills FiberCom's intrastate switched access tariff and grant it an exemption from developing company specific cost-based switched access rates.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 28th day of August, 2001.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: \_\_\_\_\_

Date: \_\_\_\_\_

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

\_\_\_\_\_  
JAMES A. BURG, Chairman

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PAM NELSON, Commissioner